REMARKS

The Examiner has finally rejected claim 1-19 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,233,389 to Barton et al.

The Barton et al. patent discloses a multimedia time warping system, which "provides the user with the ability to store selected television broadcast programs while simultaneously watching or reviewing another program and to view stored programs with at least the following functions: reverse, fast forward, play, pause, index fast/slow reverse play, and fast/slow play." (col. 3, lines 24-29). Barton et al., at col. 9, lines 22-31, further states:

> "The control object 917 accepts commands from the user and sends events into the pipeline to control what the pipeline is doing. For example, if the user has a remote control and is watching TV, the user presses pause and the control object 917 sends an event to the sink 903, that tells it pause. The sink 903 stops asking for new buffers. The current pointer 920 stays where it is at. The sink 903 starts taking buffers out again when it receives another event that tells it to play."

As such, in Barton et al., any change in the rate of play of the stored video, fast forward or rewind, is done by the user inputting a command into the system, i.e., the rate of play is changed in response to a user input.

The Examiner indicates that Barton et al. teaches "adjusting (col. 3, lines 28 - 29) a presentation rate (col. 3, lines 28 - 29, i.e. fast/slow pay and etc.) of the content signal

(fig. 1, input stream) in response to the content indicator (fig. 5)."

As noted in MPEP §2131, it is well-founded that "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California,* 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Further, "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.,* 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond,* 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Applicant believes that the Examiner is mis-applying Barton et al. While Barton et al. discloses various features in the subject invention, e.g., a content indicator (the parsed events 405 of Barton et al.) and the presentation rate (e.g., col. 3, lines 28-29), Barton et al. fails to disclose the interrelation of these features as claimed in, for example, claim 1. In particular, the parsed events buffer 405 may be used to select segments in the content signal designated as audio signals.

As noted by the Examiner, Barton et al. states, at col. 11, lines 17-21, "This allows the program logic or user to create custom sequences of video output. Any number of video segments can be lined up and combined as if the program logic or user were using

a broadcast studio video mixer." However, this only refers to selecting which video segments are to be presented and in what order.

Applicant submits, however, that there is no disclosure or suggestion in Barton et al. of "adjusting a presentation rate of the content signal **in response to the content indicator**" (emphasis added).

With regard to presentation rate, the only reference thereto is at col. 3, lines 28-29, where, at lines 23-29, Barton et al. specifically states "The invention additionally provides the user with the ability to...view stored programs with at least the following functions: reverse, fast forward, play, pause, index, fast/slow reverse play, and fast/slow play."; and at col. 9, lines 22-31, as noted above. However, again, these sections refer to these presentation rates being performed in response to a user signal. There is no disclosure or suggestion in Barton et al. of adjusting a presentation rate of the content signal in response to the content indicator.

In view of the above, Applicant believes that the subject invention, as claimed, is neither anticipated nor rendered obvious by the prior art, and as such, is patentable thereover.

Applicant believes that this application, containing claims 1-19, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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